

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 06, 2019

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: David Wayne Gilbert

Case Number: 0980 2:18CR00133-RMP-4

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U.S. District Judge

Date of Original Sentence: January 22, 2019

Original Offense: Conspiracy to Commit Bank Fraud, 18 U.S.C. § 1349

Original Sentence: Prison - 174 Days;
TSR - 4 Years

Type of Supervision: Supervised Release

Asst. U.S. Attorney: George JC Jacobs, III

Date Supervision Commenced: February 4, 2019

Defense Attorney: Federal Public Defender

Date Supervision Expires: February 3, 2023

PETITIONING THE COURT

To issue a **WARRANT** and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 08/21/2019.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

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Mandatory Condition #3: You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.

Supporting Evidence: Mr. Gilbert is alleged to have violated mandatory condition number 3 by ingesting methamphetamine and heroin on or about August 28, 2019, based on urinalysis testing and by the client's own admission of such use.

On February 5, 2019, Mr. David Gilbert signed his conditions relative to case number 2:18CR00133-RMP-4, indicating he understood all conditions as ordered by the Court. Specifically, Mr. Gilbert was made aware by his U.S. probation officer that he was required to refrain from the use of illicit substances.

Specifically, on August 28, 2019, the client was contacted and directed to report to the U.S. Probation Office in Spokane for urinalysis testing. The client later reported as directed and did submit to urinalysis testing, the results of which showed as being presumptive positive for both heroin and methamphetamine. Upon questioning, Mr. Gilbert admitted to using both substances the previous date, on or about August 27, 2019, and ultimately signed a drug use admission form relative to both substances.

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Standard Condition #5: You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

Supporting Evidence: Mr. Gilbert is alleged to have violated standard condition number 5 by moving from his previous residence without notifying the U.S. Probation Office as required on or about August 29, 2019, and by further failing to advise the U.S. Probation Office of his current address, living arrangements, or whereabouts.

On February 5, 2019, Mr. David Gilbert signed his conditions relative to case number 2:18CR00133-RMP-4, indicating he understood all conditions as ordered by the Court. Specifically, Mr. Gilbert was made aware by his U.S. probation officer that he was required to advise the U.S. Probation Office of any change in his living arrangements, and more specifically, any change in address.

Specifically, on September 5, 2019, after experiencing continued difficulties in contacting the client, the undersigned officer attempted to contact the client at his last known residence. As a part of the attempted contact, the undersigned officer was able to make contact with the client's uncle and sponsor at his residence located in north Spokane. The contact advised the undersigned officer that both the client and his girlfriend had moved from the residence approximately 1 week earlier and he was unsure of the parties current address, having not heard from them since their departure from his residence.

As a direct result of the client's exhibited conduct, Mr. Gilbert's whereabouts are currently unknown to the undersigned officer.

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Special Condition #9: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Gilbert is alleged to have violated special condition number 9 by failing to attend random urinalysis testing when his assigned reporting color had been called by the provider on August 30 and September 4, 2019.

On February 5, 2019, Mr. David Gilbert signed his conditions relative to case number 2:18CR00133-RMP-4, indicating he understood all conditions as ordered by the Court. Specifically, Mr. Gilbert was made aware by his U.S. probation officer that he was required to report for random urinalysis testing if and when his assigned color was called by the contract provider.

Specifically, on August 30, 2019, and occurring again on September 4, 2019, Mr. Gilbert's assigned color of brown 1 was called by the contract provider. On both occasions Mr. Gilbert failed to report for testing as required.

Re: Gilbert, David Wayne

September 6, 2019

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The U.S. Probation Office respectfully recommends the Court issue a **WARRANT** and incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

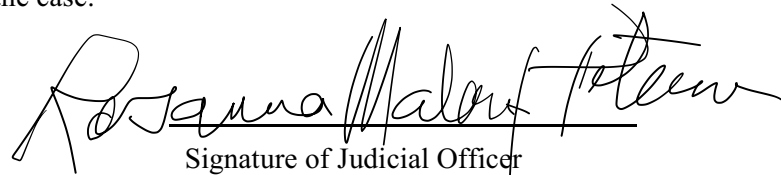
Executed on: September 6, 2019

s/Chris Heinen

Chris Heinen
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other


Signature of Judicial Officer

9/6/2019

Date